

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No:

09/972,268

Applicants:

Peter R. Baum, William C. Fanslow III, Timothy E. Lofton,

Eric A. Sorensen, and Adel Youakim

Filed:

October 5, 2001

Title:

NECTIN POLYPEPTIDES

TC/Art Unit:

1644

Examiner:

Maher M. Haddad

Docket No.:

3101-A

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

DECLARATION UNDER 37 C.F.R. § 1.131

We, Peter R. Baum, William C. Fanslow III, Timothy E. Lofton, Eric A. Sorensen, and Adel Youakim, the undersigned, hereby declare that:

- 1. This Declaration is made by the inventors of the above-captioned patent application in order to establish a date of invention in the United States prior to April 1, 2000.
- 2. Prior to April 1, 2000, a DNA clone that encodes human nectin-3 polypeptide (also called "B7L4" polypeptide) had been isolated and its sequence determined in the United States by inventors named in the subject application, as evidenced by the Exhibits A and B enclosed herewith. The works described in Exhibits A and B were completed in this country prior to April 1, 2000.
- 3. Exhibit A is a copy of a page from one of the laboratory notebooks of Eric A. Sorensen, written in his handwriting, describing a restriction enzyme digest of an isolated lambda phage clone called "HuB7L4 11-1". All dates on the copy have been redacted.

- 4. Exhibit B (eight pages) is a copy of a computer printout that is incorporated into one of the laboratory notebooks of Eric A. Sorensen, showing the results of the sequencing of the HuB7L4 11-1 clone insert that was performed at the direction of Eric A. Sorensen. The amino acid sequence shown below the corresponding nucleotide sequences is that of human nectin-3 as presented in SEQ ID NO:2 of the above-captioned application (and is identical to amino acids 8 through 549 of SEQ ID NOs 4 and 6). The first page of Exhibit B indicates the location of a predicted signal sequence cleavage site, and the fourth page of Exhibit B indicates the location of the start of the transmembrane domain. All dates on the copy have been redacted.
- 5. Therefore, on a date prior to April 1, 2000, the inventors of the above-captioned application had determined the amino acid sequence of a human nectin-3 polypeptide including the extracellular domain of a mature form of human nectin-3.
- 6. As a person signing below: I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Peter R. Baum

Peter R. Baum

Milliam G. Fanslow III

Date: July 7, 2003

Date: June 23, 2003

Timothy E. Lofton

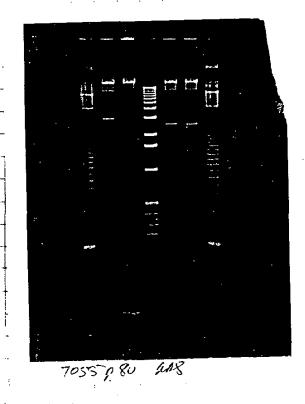
Eric A. Sorensen

Date: June 24, 2003

Date: June 24, 2003

Adel revakim

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Vitnessed & Understood by me,

Invented by

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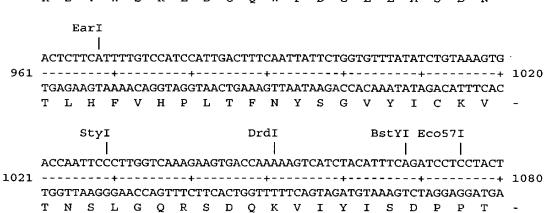
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(Linear) (MinSite=6) MAP of: hub714-11.seq check: 8088 from: 1 to: 3187
HuB7L4 #11 from KB library clone #11-1. Phage DNA: NOT CONFIRMED
sr6527 R. Sorensen
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                34359 --> ACCGGT-AGGCTCTGTGGTGCCTTAGCTGG 33684 →
      \tt CTGCTGCTCTTCCCGCTGCTGCTCTTCTCCAGGCTCTGTGGTGCCTTAGCTGGACCAATT
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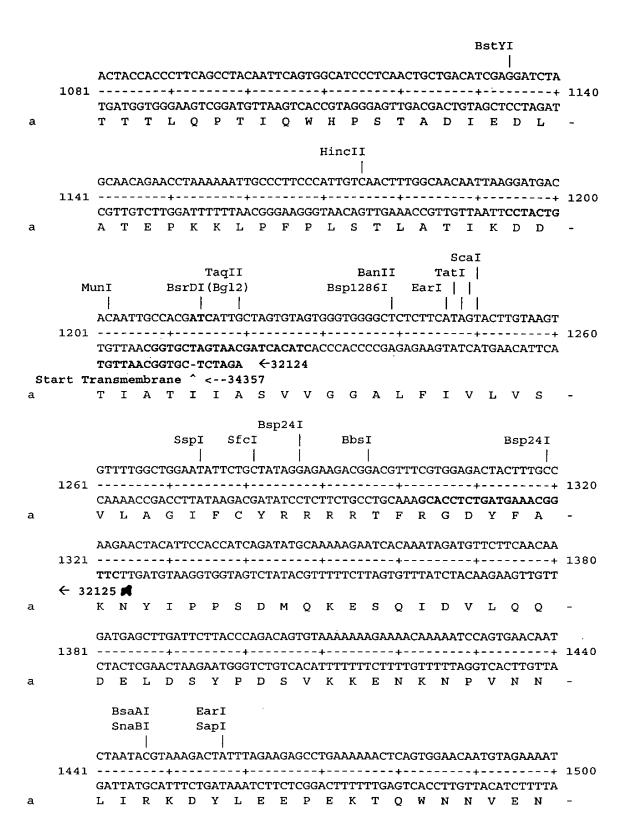
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